THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7766 of 2007

Date: 16.04.2007

Between:

Kaki Musalaiah.

....Petitioner

And

Govt. of A.P., rep., by its Principal Secretary, Revenue, Secretariat, Hyderabad and another.

....Respondents

–

–

–

–

–

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.7766 of 2007

–

O R D E R:

Petitioner claims to be the owner and possessor of land admeasuring 300 square yards in plot No.52 in Survey Nos.54/A, 12/B, 51/1B and 12/E of Adivivaram Village, Adivivaram Panchayat, Visakhapatnam. It is stated that he intended to sell the said land and in that process, approached the second respondent, to register the same in favour of the intending purchaser. The grievance of the petitioner is that the second respondent is not entertaining any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Numbers. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government

to issue notifications, almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document, if any, presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 16.04. 2007
Note: Issue C.C. in one week.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77